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Federal Agencies

February 16, 2007

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**Art Unit 1625**

**Attn: Mail Stop Amendment**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application No. 10/586,491  
(U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2007/000617; Int'l Filing Date: January 22, 2005)  
For: **Method For Producing 2,5-Dimethylphenyl Acetic Acid**  
Inventor: Thomas HIMMLER  
Our Ref: 2400.0650000/JMC/VLC/CMB

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement Filing Under 37 C.F.R. § 1.97(b);
2. Form PTO/SB/08A listing four (4) cited documents;
3. Copies of the four (4) cited documents (**FP1-FP4**);
4. Form PTO/SB/08B listing fourteen (14) cited documents;
5. Copies of the fourteen (14) cited documents (**NPL1-NPL14**); and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

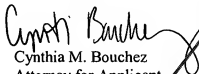
Receipt date: 02/16/2007

Commissioner for Patents  
February 16, 2007  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Cynthia M. Bouchez  
Attorney for Applicant  
Registration No. 47,438

JMC/VLC/CMB:krh  
Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HIMMLER, Thomas

Appl. No.: 10/586,491 (U.S. Nat'l  
Phase of Int'l Appl. No.  
PCT/EP2005/000617)

Int'l Filing Date: January 22, 2005

For: **Method For Producing  
2,5-Dimethylphenyl  
Acetic Acid**

Art Unit: 1625

Examiner: *To be Assigned*

Atty. Docket: 2400.065000/JMC/CMB

**Information Disclosure Statement  
Filing under 37 C.F.R. § 1.97(b)**

*Mail Stop Amendment*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Information Disclosure Statement Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of documents **FP1** to **FP4** and **NPL1** to **NPL14** are submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language document **FP4**, cited on Form PTO/SB/08A, and documents **NPL6** and **NPL11**, cited on Form PTO/SB/08B:

**FP4**, WO 97/36868 A1, is in the German language. An English language abstract of document **FP4** can be found on the face page of the patent.

Document **NPL6**, Kunckell, F., "Ueber einige halogenisirte Ketone," *Chem. Ber.*

30:577-579, Verlag Chemie (1897), is in the German language. An English language translation of document **NPL6** is attached as document **NPL7**.

Document **NPL11**, Vojdšek, Z.J., *et al.*, "6-Aminopenicillansäure-Derivate II. Substituierte 6-N-(2-Styryl- Und 6-N-(2-Phenyläthyl-Benzamido)Penicillansäuren," *Collect. Czech. Chem. Commun.* 29:776, 786-788, 791-794, Nakladatelství Československé Akademie Věd (1964), is in the German language. An English language abstract of document **NPL11** is attached as document **NPL12**.

Document **FP2** was cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. The search report is attached as document **NPL14** on the IDS Form, PTO/SB/08B. 1138 OG 37, 38.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the on the material submitted herewith.

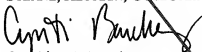
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Cynthia M. Bouchez  
Attorney for Applicants  
Registration No. 47,438

Date:

Feb. 16, 2007

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Substitute for form 1449A/PTO

(Use as many sheets as necessary)

Application Number	10/586,491(U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2005/000617)
Int'l Filing Date	January 22, 2005
First Named Inventor	HIMMLER, Thomas
Art Unit	1625
Examiner Name	<i>To be Assigned</i>
Attorney Docket Number	2400.065000/JMC/CMB

Sheet	1	of	1
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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>2</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
	FP1	EP 0 034 871 A2	09/02/1981	Blasinachim S.P.A.	
	FP2	DE 33 22 459 A1	01/12/1984	The Upjohn Manufacturing Co. M.	ISR
	FP3	EP 0 101 124 A1	02/22/1984	Zambon S.p.A.	
	FP4	WO 97/36868 A1	10/09/1997	Bayer Aktiengesellschaft	Abs

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Examiner Signature	/Taofiq Solola/	Date Considered	02/01/2009
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to allow or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /T.S./



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Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Application Number	10/586,491 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2005/000617)
				Int'l Filing Date	January 22, 2005
				First Named Inventor	HIMMLER, Thomas
				Art Unit	1625
				Examiner Name	To be Assigned
				Attorney Docket Number	2400.0650000/JMC/CMB
Sheet	1	of	2		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Friedman, L. and Koca, R., "Anomalies in the Acetylation of o- and p-Xylenes," <i>J. Org. Chem.</i> 33:1255-1257, American Chemical Society (1968)	
	NPL2	Giordano, C., et al., "Synthesis of Anti-Inflammatory $\alpha$ -Arylkanoic Acids by 1,2-Aryl Shift," <i>Agnew Chem. Int. Ed. Engl.</i> 23:413-419, Verlag Chemie (1984)	
	NPL3	Hart, H., et al., "1,4,5,8,9-Pentamethylantracene. Synthesis and Protonation," <i>Tetrahedron Lett.</i> 52:4639-4642, Pergamon Press (1975)	
	NPL4	Khurana, J.M. and Maikap, G.C., "Bromomethylation of aromatics mediated by low frequency ultrasound," <i>J. Indian Chem. Soc.</i> 76:216-217, The Indian Chemical Society (1999)	
	NPL5	Kumar, A., et al., "Facile 1,2-Aryl Migration of 2-Halomethyl-2-(4'-Hydroxy-Phenyl) Ketals: A Novel Single Step Synthesis of 4-Hydroxyphenylacetic Acid & Its Derivatives," <i>Syn Commun</i> 27:1133-1141, Marcel Dekker, Inc. (1997)	
	NPL6	Kuncell, F., "Ueber einige halogenisirte Ketone," <i>Chem. Ber.</i> 30:577-579, Verlag Chemie (1897)	Yes
	NPL7	English language translation for Kuncell, F., "Some Halogenated ketones," <i>Chem. Ber.</i> 30:577-579, Verlag Chemie (1897)	
	NPL8	Newman, M.S. and Layton, R.M., "Free-Radical 1:5 Rearrangement of the Trichloromethyl Group," <i>J. Org. Chem.</i> 33:2338-2342, American Chemical Society (1968)	
	NPL9	Smith, I.I. and MacMullen, C.W., "The Reaction between Quinones and Sodium Enolates. IV. Pseudocumquinone, Sodium Acetoacetic Ester and Sodium Malonic Ester," <i>J. Amer. Chem. Soc.</i> 58:629-635, American Chemical Society (1936)	

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). \* Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Application Number	10/586,491 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2005/000617)
				Int'l Filing Date	January 22, 2005
				First Named Inventor	HIMMLER, Thomas
				Art Unit	1625
				Examiner Name	To be Assigned
				Attorney Docket Number	2400.0650000/JMC/CMB
Sheet	2	of	2		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T <sup>2</sup>
	NPL10	Vallejos, J.C., et al., "A new system for the reduction of 4-hydroxymandelic acids," <i>Bull. Soc. Chim. Fr.</i> 134:101-104, Elsevier (1997)	
	NPL11	Vejdělek, Z.J., et al., "6-Aminopenicillansäure-Derivate II. Substituierte 6-N-(2-Styryl- Und 6-N-(2-Phenyläthyl-Benzamido)Penicillansäuren," <i>Collect. Czech. Chem. Commun.</i> 29:776, 786-788, 791-794, Nakladatelství Československi Akademie Ved (1964)	Abs
	NPL12	STNEasy Database, Accession No. 1964:82833, English language abstract for Vojdělěk, Z.J., et al., "Derivatives of 6-Aminopenicillanic acid. II. Substituted 2'-styryl and 2'-phenethyl derivatives of 6-benzamidopenicillanic acid," <i>Collect. Czech. Chem. Commun.</i> 29: 776, 786-788, 791-794, Nakladatelství Československi Akademie Ved (1964)	
	NPL13	Zaugg, H.E., et al., "Naphthoquinone Antimalarials. XIV. 2-Hydroxy-3-aryl-1,4-naphthoquinones," <i>J. Amer. Chem. Soc.</i> 70:3224-3228, American Chemical Society (1948)	
	NPL14	International Search Report for International Application No. PCT/EP2005/000617, European Patent Office, Netherlands, mailed on July 5, 2005	

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Examiner Signature	/Taofig Solola/	Date Considered	02/01/2009
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